

## **EXHIBIT 13**

1 Kenneth A. Gallo (*pro hac vice*)  
 2 Joseph J. Simons (*pro hac vice*)  
 3 Craig A. Benson (*pro hac vice*)  
 4 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP  
 5 2001 K Street, NW  
 6 Washington, DC 20006-1047  
 7 Telephone: (202) 223-7300  
 8 Facsimile: (202) 223-7420  
 9 Email: kgallo@paulweiss.com  
 10 Email: jsimons@paulweiss.com  
 11 Email: cbenson@paulweiss.com

12 Stephen E. Taylor (SBN 058452)  
 13 Jonathan A. Patchen (SBN 237346)  
 14 TAYLOR & COMPANY LAW OFFICES, LLP  
 15 One Ferry Building, Suite 355  
 16 San Francisco, California 94111  
 17 Telephone: (415) 788-8200  
 18 Facsimile: (415) 788-8208  
 19 Email: staylor@tcolaw.com  
 20 Email: jpatchen@tcolaw.com

21 *Attorneys for Plaintiffs Sharp Electronics Corporation and*  
 22 *Sharp Electronics Manufacturing Company of America, Inc.*

23 **UNITED STATES DISTRICT COURT**  
 24 **NORTHERN DISTRICT OF CALIFORNIA**  
 25 **SAN FRANCISCO DIVISION**

26 IN RE: CATHODE RAY TUBE (CRT)  
 27 ANTITRUST LITIGATION

Case No.: 3:07-cv-5944-SC  
 MDL NO.: 1917

28 This Document Relates To:

*Sharp Electronics Corp., et al. v. Hitachi Ltd., et al.*

INDIVIDUAL CASE: 3:13-cv-01173-SC

**RESPONSE TO HITACHI  
 AMERICA, LTD.'S FIRST SET OF  
 INTERROGATORIES TO SHARP  
 ELECTRONICS CORPORATION  
 AND SHARP ELECTRONICS  
 MANUFACTURING COMPANY OF  
 AMERICA, INC.**

1 **PROPOUNDING PARTY:** Defendant Hitachi America, Ltd.

2 **RESPONDING PARTIES:** Sharp Electronics Corporation and Sharp Electronics  
3 Manufacturing Company of America, Inc.

4 **SET NO:** One

5 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 33.1  
6 of the Local Rules of the Northern District of California, Sharp Electronics Corporation (“SEC”)  
7 and Sharp Electronics Manufacturing Company of America, Inc. (“SEMA”) (collectively,  
8 “Sharp”) hereby respond to Hitachi America, Ltd.’s First Set of Interrogatories, dated July 2,  
9 2014 (the “Interrogatories”) as follows:

10 **GENERAL OBJECTIONS**

11 The following general objections (“General Objections”) are incorporated in  
12 Sharp’s responses (“Responses”) to each and every interrogatory contained in the Interrogatories.  
13 No Response to any interrogatory shall be deemed a waiver of Sharp’s General Objections.

14 1. Sharp objects to the Interrogatories and the instructions therein to the extent that they seek  
15 to impose obligations on Sharp beyond those imposed by the Federal Rules of Civil Procedure,  
16 the Local Civil Rules of the Northern District of California, or any applicable order of the Court.

17 2. Sharp objects to the Interrogatories on the grounds that they are improperly being used as  
18 a discovery device, are oppressive, unduly burdensome and violate the rule of proportionality  
19 embodied in Federal Rule of Civil Procedure 26(b)(2)(C).

20 3. Sharp objects to the Interrogatories to the extent that they seek or call for information that  
21 can equally or more readily, conveniently, and in a less burdensome fashion be obtained by  
22 Defendants from public sources.

23 4. Sharp objects to the Interrogatories to the extent that they seek or call for information that  
24 can equally or more readily, conveniently, and in a less burdensome fashion be obtained by  
25 Defendants from others.

26 5. Sharp objects to the Interrogatories to the extent that they seek information that is neither  
27 relevant to this litigation, nor reasonably calculated to lead to the discovery of admissible  
28 evidence. Further, these Responses and Objections are without prejudice to, and not a waiver of,

1 Sharp's right to contend at trial or otherwise in this action that such information is irrelevant,  
2 immaterial, inadmissible, or not a proper basis for discovery, nor any objection by Sharp to any  
3 future use of such information.

4 6. Sharp objects to the Interrogatories to the extent that they are unintelligible, vague,  
5 ambiguous, overly broad, unduly burdensome, and oppressive.

6 7. Sharp objects to the Interrogatories to the extent that they seek or call for information not  
7 in Sharp's possession, custody, or control.

8 8. Documents produced by Sharp in this litigation shall be deemed produced in response to  
9 these Interrogatories, subject to the Responses and Objections contained herein. The burden of  
10 identifying specific information or documents responsive to these Interrogatories from documents  
11 produced in the course of this litigation is substantially the same for either party, and Sharp is  
12 entitled to elect the option to produce business records pursuant to Rule 33(d) of the Federal  
13 Rules of Civil Procedure.

14 9. Sharp objects to the Interrogatories to the extent that they seek or call for information or  
15 documents protected from disclosure by the attorney-client privilege, the attorney work product  
16 doctrine, or any other privilege, protection, or immunity applicable under the governing law. Any  
17 information disclosed pursuant to the Interrogatories will be disclosed without waiving, but on the  
18 contrary reserving and intending to reserve, each of these privileges, protections, or immunities.  
19 Any accidental disclosure of privileged information or material shall not be deemed a waiver of  
20 the applicable privilege, protection, or immunity.

21 10. Sharp objects to the Interrogatories to the extent that they are duplicative and/or  
22 cumulative, either internally of themselves or of discovery previously propounded to Sharp by  
23 other defendants in this matter. Each such Interrogatory violates Section XV, subsections D and  
24 E, of the Court's "Order Re Discovery and Case Management Protocol," entered on April 3,  
25 2012. Order Re: Discovery and Case Management Protocol, *In re Cathode Ray Tube Antitrust*  
26 *Litigation*, Case No. 07-cv-05944-SC, MDL No. 1917 (N.D. Cal. Apr. 3, 2012) (MDL Dkt. No.  
27 1128).

11. Sharp objects to the Interrogatories, including the instructions and definitions, on the grounds that Sharp will incur substantial expense in complying with them.

12. Sharp objects to the Interrogatories to the extent that they prematurely call for expert testimony and states that Sharp will provide expert disclosures as provided by the Federal Rules of Civil Procedure and the orders of the court.

13. Sharp objects to the Interrogatories to the extent that they call for speculation or call for a conclusion on an issue of law.

14. Sharp objects to the Interrogatories to the extent they seek information about contentions or call for all evidence or all information in support of allegations or contentions. Such Interrogatories are premature, Sharp has not completed its discovery and preparation in this matter, and its investigation of this case is ongoing. These responses are being made after reasonable inquiry into the relevant facts, and are based only upon the information and documentation that is presently known to Sharp. Further investigation and discovery may result in the identification of additional information or contentions, and Sharp reserves the right to supplement and modify its responses. Sharp's responses should not be construed to prejudice its right to conduct further investigation in this case, or to limit Sharp's use of any additional evidence that may be developed.

15. Sharp objects to, and expressly disclaims, any need or intent to prove any facts listed herein as a prerequisite to proving its claims at trial.

16. Sharp reserves its right to try its case as it determines is best at trial. This includes by not using facts or information stated herein or using facts or information in addition to those stated therein.

17. Sharp's responses will be subject to the Stipulated Protective Order entered in this action (MDL Dkt. No. 306).

18. Sharp objects to the Interrogatories to the extent they contain any incidental or implied admission of fact or law. Sharp's responses to all or any part of any Interrogatory should not be taken as an incidental or implied admission, agreement, or concurrence that: (i) Sharp accepts or admits an express or implied assumption of fact set forth in or assumed by the Interrogatory; (ii)

1 Sharp accepts or admits any express or implied assumption of law set forth in or assumed by the  
2 Interrogatory; (iii) Sharp has in its possession, custody or control documents or information  
3 responsive to that Interrogatory; or (iv) documents or information responsive to that Interrogatory  
4 exist.

5 19. Sharp objects to the Interrogatories to the extent that they call for speculation or call for a  
6 conclusion on an issue of law.

7 20. Sharp reserves its right to object to and/or challenge any evidence on grounds of  
8 competency, relevance, materiality, privilege, or admissibility at trial or at any hearing or  
9 proceeding with respect to any admissions sought by the Interrogatories and all answers Plaintiffs  
10 provide in response to these Interrogatories.

11 21. Sharp objects to the extent the Interrogatories misrepresent Sharp's allegations and the  
12 opinions expressed by Sharp's expert(s) in this case.

13 22. Sharp objects to the definition of "CRT" to the extent that it mischaracterizes Sharp's  
14 Complaint. Sharp interprets the term "CRTs" as defined in its complaint as "CPTs and CDTs of  
15 all sizes."

16 23. Sharp objects to the definitions of "CDT PRODUCT," "CPT PRODUCT," and "CRT  
17 PRODUCT" to the extent that they mischaracterize and are inconsistent with the definition of  
18 CRT Products in the Complaint. For purposes of these responses only, Sharp shall use the terms  
19 "CDT PRODUCT," "CPT PRODUCT," and "CRT PRODUCT" to mean electronic devices  
20 containing CDTs (such as monitors) and CPTs (such as televisions).

21 24. Sharp objects to the definition of "'DOCUMENT' or 'DOCUMENTS'" as vague,  
22 ambiguous, and unreasonably broad and, depending upon Defendants' meaning may call for a  
23 legal conclusion. Sharp also objects to the definition of "'DOCUMENT' or 'DOCUMENTS'" to  
24 the extent that it calls for documents that are subject to the attorney-client privilege, the work  
25 product doctrine, other applicable privilege, or are not in Sharp's possession, custody or control.

26 25. Sharp objects to the definition of "IDENTIFY" because it is overly broad, unduly  
27 burdensome, and oppressive insofar as it requires that Sharp identify and locate numerous  
28 individuals involved in thousands of discrete purchases made over the course of more than 12

1 years, dating back to 1995. Sharp also objects to the definition of “IDENTIFY” with respect to  
2 identifying persons and identifying events or occurrences to the extent that it calls for information  
3 beyond Sharp’s possession, custody or control. Moreover, virtually all of the individuals  
4 responsive to these requests are current or former employees of the Hitachi Defendants or their  
5 co-conspirators, and that information is therefore fully known to Hitachi or is otherwise  
6 discoverable by less burdensome methods.

7 26. Sharp objects to the definition of “YOU,” “YOUR,” and “YOURSELF” as overbroad,  
8 vague, and not reasonably calculated to lead to the discovery of admissible evidence. In  
9 responding to the Interrogatories directed to “YOU” or “YOUR,” Sharp will respond for the  
10 Plaintiffs SEC and SEMA and persons acting on their behalf.

11 27. Sharp objects to Instruction No. 1 to the extent that it calls for information that is the  
12 subject of the attorney-client privilege, the work product doctrine, or any other applicable  
13 privilege, or is not in Plaintiffs’ possession, custody or control.

14 28. Sharp objects to Instruction No. 7 because the construction of “and” to include “or” and  
15 vice versa is vague, ambiguous, and confusing, and likely to create multiple, contradictory  
16 meanings from the same language. Sharp uses “and” and “or” according to their ordinary  
17 meanings.

18 29. Sharp objects to Instruction No. 8 because it is vague, ambiguous, and confusing and  
19 likely to create multiple, contradictory meanings from the same language. Sharp refers to  
20 singular and plural nouns according to their ordinary meanings.

21 30. Sharp objects to Instruction No. 9 because it is vague, ambiguous, and confusing and  
22 likely to create multiple, contradictory meanings from the same language. Sharp uses the present  
23 and past tenses according to their ordinary meanings.

24 31. Sharp objects to Instruction No. 10 because the construction of “any” to include “all” and  
25 vice versa is vague, ambiguous, and confusing, and likely to create multiple, contradictory  
26 meanings from the same language. Sharp further objects to the definition of “any” and “all” as  
27 not reasonably limited in scope or time. Sharp uses “any” and “all” according to their ordinary  
28 meanings.

1 Interrogatory on the grounds that it seeks to impose an undue burden on Sharp to state its entire  
2 case on an incomplete record and review and analyze all information obtained in discovery thus  
3 far at this stage of this litigation. Sharp further objects to this Interrogatory on the grounds that it  
4 is vague, ambiguous, overly broad, unduly burdensome, and oppressive, and on the grounds that  
5 it is cumulative and duplicative of other discovery propounded in this case, and is therefore in  
6 violation of the Special Master's Order Regarding Individual Action Plaintiffs and Case  
7 Management (MDL Dkt. No. 1727, May 3, 2010). Sharp also objects to the extent that this  
8 request calls for information that is covered by attorney-client privilege or the work product  
9 protection. Sharp further states that it has not completed its discovery and preparation in this  
10 matter and that its investigation of the case is ongoing, and Sharp reserves its right to supplement  
11 or amend its response to this Request consistent with Federal Rule of Civil Procedure 26(e).

12 Subject to and without waiving the foregoing objections, Sharp states that a portion of its  
13 claims are based on CPTs that were ordered, purchased, paid for, and owned in the United States  
14 by SEMA that were delivered to SEMA's subsidiary maquiladora company Sharp Electronica  
15 Mexico, S.A. de C.V. ("SEMEX") in Rosarita, Mexico. At all times the CPTs shipped to  
16 SEMEX in Mexico were owned by SEMA in the United States. The vast majority of CPTs  
17 shipped to SEMEX in Mexico were incorporated into televisions sold by SEC in the United  
18 States. Sharp further states that it claims injury based on its own purchases of CRT Products  
19 through intercompany transactions, which contained CRTs that Sharp Roxy Electronics  
20 Corporation in Malaysia purchased directly from Hitachi High-Technologies Hong Kong  
21 Limited. Sharp refers the Defendants to materials produced in this litigation at SHARP-CRT-  
22 00000666.

23 **Request No. 4:**

24 If YOU contend that HITACHI is liable to YOU on any factual or legal theory not  
25 specifically set forth in the COMPLAINT, DESCRIBE each theory, IDENTIFY each  
26 DOCUMENT that YOU contend supports each theory, and IDENTIFY each PERSON who has  
27 knowledge concerning each theory.  
28



**Response to Request No. 4:**

Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp also objects to this Interrogatory to the extent that it calls for information that is already in the possession, custody, or control of Defendants, or that can equally or more readily, conveniently, and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this Interrogatory on the grounds that it is premature, and that it seeks to impose an undue burden on Sharp to state its entire case on an incomplete record and review and analyze all information obtained in discovery thus far at this stage of this litigation. Sharp further objects to this Interrogatory on the ground that it calls for legal argument or legal conclusions. Sharp objects that this Interrogatory improperly requires Sharp to marshal all evidence in support of its case, including all testimony, in responses to written discovery, but particularly while discovery is ongoing and in advance of the applicable deadlines set by the Court for disclosure of pretrial information. Sharp further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and oppressive, and on the grounds that it is cumulative and duplicative of other discovery propounded in this case, and is therefore in violation of the Special Master's Order Regarding Individual Action Plaintiffs and Case Management (MDL Dkt. No. 1727, May 3, 2010). Sharp also objects to the extent that this request calls for information that is covered by attorney-client privilege or the work product protection. Sharp further states that it has not completed its discovery and preparation in this matter and that its investigation of the case is ongoing, and Sharp reserves its right to supplement or amend its response to this Request consistent with Federal Rule of Civil Procedure 26(e).

Subject to and without waving the foregoing objections, Sharp refers the Defendants to Sharp's First Supplemental Responses to Hitachi Electronics Devices (USA), Inc. and Samsung SDI America, Inc.'s First Set of Interrogatories, Supplemental Response No. 12; the expert report of Dr. Jerry A. Hausman dated April 15, 2014 and accompanying materials; the supplemental report of Dr. Jerry A. Hausman dated July 3, 2014 and accompanying materials; demonstrative Exhibit 1 to the expert report of Jerry A. Hausman dated July 15, 2014; and the response to the expert report of Vandy Howell and accompanying materials to be served on August 5, 2014.